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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA,) NO. CR 15-00444 CRB
14 Plaintiff,) PLEA AGREEMENT
15 v.)
16 HANAI IBRAHIM,)
17 Defendant.)
18)

19
20 I, Hanai Ibrahim, and the United States Attorney's Office for the Northern District of California
21 (hereafter "the government") enter into this written Plea Agreement (the "Agreement") pursuant to Rule
22 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

23 The Defendant's Promises

24 1. I agree to plead guilty to Counts One and Five of the captioned Indictment charging me
25 with conspiracy to possess with intent to distribute and distribution of cocaine, and possession with
26 intent to distribute and distribution of cocaine in violation of 21 U.S.C. §§ 846 and 841(a)(1).

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PLEA AGREEMENT
CR 15-00444 CRB

1 I agree that the elements of 21 U.S.C. § 846 for Count One are as follows:

- 2 (1) There was an agreement between two or more persons to possess with intent to
3 distribute or to distribute cocaine; and
4 (2) I became a member of the conspiracy knowing of at least one of its objects and
5 intending to help accomplish

6 I agree that the elements of 21 U.S.C. § 841(a)(1) for Count Five, are as follows:

- 7 (1) I knowingly possessed cocaine; and
8 (2) I knowingly possessed such cocaine with the intent to distribute it
9 to another person.

10 I agree that the maximum penalties for violating 21 U.S.C. §§ 846 and 841(a)(1) are as follows:

- | | | |
|-------|---|---------------------------------|
| 11 a. | Maximum prison term | 20 years |
| 12 b. | Maximum fine | \$1,000,000 or twice the |
| 13 | | gross gain or gross loss, |
| 14 | | whichever is greater |
| 15 c. | Maximum & minimum supervised release term | Life, but not less than 3 years |
| 16 d. | Mandatory special assessment | \$100 per count |
| 17 e. | Potential Deportation | |
| 18 f. | Forfeiture | |

19 I acknowledge that pleading guilty may have consequences with respect to my immigration
20 status if I am not a citizen of the United States. Under federal law, a broad range of crimes are
21 removable offenses, including the offenses to which I am pleading guilty. Removal and other
22 immigration consequences are the subject of a separate proceeding, however, and I understand that no
23 one, including my attorney or the district court, can predict to a certainty the effect of this conviction on
24 my immigration status. I nevertheless affirm that I want to plead guilty regardless of any immigration
25 consequences that may result from my guilty plea, even if the consequence is my automatic removal
26 from the United States.

27 I understand that I am pleading guilty to multiple violations and that the Court may order that my
28 sentence for each violation run consecutively.

1 2. I agree that I am guilty of the offenses to which I am pleading guilty, and I agree that the
2 following facts are true: I agreed with co-defendant Kelley to possess with intent to distribute and
3 distribute cocaine to an individual that I later learned was working on behalf of law enforcement (the
4 "CI"). I sold the CI cocaine on March 12, 2015, March 16, 2015, and April 2, 2015. Each transaction
5 occurred in the area of the Star Market (4400 Third Street) and/or Go Gadget (4404 Third Street) in San
6 Francisco, California. I agree and stipulate that the total amount of cocaine attributable to me for
7 purposes of relevant conduct is at least 100 grams but less than 200 grams.

8 3. I agree to give up all rights that I would have if I chose to proceed to trial, including the
9 rights to a jury trial with the assistance of an attorney; to confront and cross-examine government
10 witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth
11 Amendment claims; to any further discovery from the government; and to pursue any affirmative
12 defenses and present evidence.

13 4. I agree to give up my right to appeal my conviction, the judgment, and orders of the
14 Court, as well as any aspect of my sentence, including any orders relating to forfeiture and/or restitution,
15 except that I reserve my right to claim that my counsel was ineffective. I reserve my right, however, to
16 appeal an upward departure from the Guideline imprisonment range determined by the Court.

17 5. I agree not to file any collateral attack on my conviction or sentence, including a petition
18 under 28 U.S.C. § 2255 or 28 U.S.C. § 2241, except that I reserve my right to claim that my counsel was
19 ineffective. I also agree not to seek relief under 18 U.S.C. § 3582.

20 6. I agree not to ask the Court to withdraw my guilty plea(s) at any time after they are
21 entered. I understand that by entering into this Agreement: (a) I agree that the facts set forth in
22 Paragraph 2 of this Agreement shall be admissible against me under Fed. R. Evid. 801(d)(2)(A) in any
23 subsequent proceeding, including at trial, in the event I violate any of the terms of this Agreement, and
24 (b) I expressly waive any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard to
25 the facts set forth in Paragraph 2 of this Agreement in such subsequent proceeding. I understand that the
26 government will not preserve any physical evidence obtained in this case.

27 7. I understand that the Court must consult the United States Sentencing Guidelines and
28 take them into account when sentencing, together with the factors set forth in 18 U.S.C. § 3553(a). I

also understand that the Court is not bound by the Guidelines calculations below; the Court may conclude that a higher Guidelines range applies to me, and, if it does, I will not be entitled, nor will I ask to withdraw my guilty plea. I further agree that regardless of the sentence that the Court imposes on me, I will not be entitled, nor will I ask, to withdraw my guilty plea. I agree that the Sentencing Guidelines offense level should be calculated as set forth below, and that I will not request a downward departure under the Sentencing Guidelines from that offense level although I reserve the right to seek a downward variance based on the factors set forth in 18 U.S.C. § 3553(a). I understand that the government is free to oppose any such request. The parties have reached no agreement regarding my Criminal History Category.

a. Base Offense Level, U.S.S.G. § 2D1.1(c)(12): 16

b. Acceptance of Responsibility: -3

If I meet the requirements of U.S.S.G. § 3E1.1, I may be entitled to a three-level reduction for acceptance of responsibility, provided that I forthrightly admit my guilt, cooperate with the Court and the Probation Office in any presentence investigation ordered by the Court, and continue to manifest an acceptance of responsibility through and including the time of sentencing.

c. Adjusted Offense Level: 13

8. I agree that regardless of any other provision of this Agreement, the government may and will provide the Court and the Probation Office with all information relevant to the charged offense and the sentencing decision. I agree that, based on the nature of the offense and my criminal history, the Court should impose the following special condition of supervised release which is reasonably related to deterrence and rehabilitation:

Special Condition (Searches)

The defendant shall submit his person, residence, office, vehicle, electronic devices and their data (including cell phones, computers, and electronic storage media), and any property under defendant's control to a search. Such a search shall be conducted by a United States Probation Officer or any federal, state, or local law enforcement officer at any time, with or without suspicion. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.

9. I agree that I will make a good-faith effort to pay any fine, forfeiture, or restitution I am ordered to pay. I agree to pay the special assessment at the time of sentencing.

10. I agree not to commit or attempt to commit any crimes before sentence is imposed or

before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial release; not to intentionally provide false information to the Court, the Probation Office, Pretrial Services, or the government; and not to fail to comply with any of the other promises I have made in this Agreement. I agree not to have any contact with any co-defendants or witnesses in this case, either directly or indirectly, before and after I am sentenced. This includes, but is not limited to, personal contact, telephone, mail, or electronic mail contact, or any other written form of communication, and includes any harassing, annoying, or intimidating conduct by me directed to any victims or witnesses. I agree that the Court may also include this no-contact provision as a condition of my supervised release term. I agree that if I fail to comply with any promises I have made in this Agreement, then the government will be released from all of its promises in this Agreement, including those set forth in the Government's Promises Section below, but I will not be released from my guilty plea.

11. I agree that this Agreement contains all of the promises and agreements between the government and me, and I will not claim otherwise in the future. No modification of this Agreement shall be effective unless it is in writing and signed by all parties.

12. I agree that the Agreement binds the U.S. Attorney's Office for the Northern District of California only, and does not bind any other federal, state, or local agency.

The Government's Promises

13. The government agrees not to file any additional charges against the defendant that could be filed as a result of the investigation that led to the captioned Indictment.

14. The government agrees to recommend a sentence within the range associated with the Guideline calculations set out in paragraph 7 above, unless the defendant violates the terms of the Agreement above or fails to accept responsibility.

The Defendant's Affirmations

15. I agree that my participation in the District Court's Conviction Alternative Program is not appropriate and that I will not request to be considered for and will not participate in that program as a result of my convictions for these offenses.

16. I confirm that I have had adequate time to discuss this case, the evidence, and the Agreement with my attorney and that my attorney has provided me with all the legal advice that I

1 requested.

2 17. I confirm that while I considered signing this Agreement, and at the time I signed it, I
3 was not under the influence of any alcohol, drug, or medicine that would impair my ability to understand
4 the Agreement.

5 18. I confirm that my decision to enter a guilty plea is made knowing the charges that have
6 been brought against me, any possible defense, and the benefits and possible detriments of proceeding to
7 trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or
8 threatened me to enter into this Agreement.

9
10 Dated: 6/29/16



HANAI IBRAHIM
Defendant

BRIAN J. STRETCH
United States Attorney

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14 Dated: 6/29/16



SCOTT D. JOINER
Assistant United States Attorney

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16 19. I have fully explained to my client all the rights that a criminal defendant has and all the
17 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all
18 the rights my client is giving up by pleading guilty, and, based on the information now known to me, my
19 client's decision to plead guilty is knowing and voluntary.

20
21 Dated: 6/29/16



ROBERT WAGGENER
Attorney for Defendant